

F:\P5\HREC\MCCARE\AMNDSCC\GAGRULE
[Medicare: Gag rule language]

H.L.C.

AMENDMENT OFFERED BY MR. BLILEY
TO THE MEDICARE RECONCILIATION PROVISIONS

Page 32, amend lines 3 through 31 to read as follows:

1 “(3) PROHIBITING INTERFERENCE WITH PRO-
2 VIDER ADVICE TO ENROLLEES.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graphs (B) and (C), a MedicarePlus organiza-
5 tion (in relation to an individual enrolled under
6 a MedicarePlus plan offered by the organization
7 under this part) shall not prohibit or otherwise
8 restrict a covered health care professional (as
9 defined in subparagraph (D)) from advising
10 such an individual who is a patient of the pro-
11 fessional about the health status of the individ-
12 ual or medical care or treatment for the individ-
13 ual’s condition or disease, regardless of whether
14 benefits for such care or treatment are provided
15 under the plan, if the professional is acting
16 within the lawful scope of practice.

17 “(B) CONSCIENCE PROTECTION.—Sub-
18 paragraph (A) shall not be construed as requir-
19 ing a MedicarePlus plan to provide, reimburse
20 for, or provide coverage of a counseling or re-

F:\P5\HREC\MCARE\AMNDSCC\GAGRULE
[Medicare: Gag rule language]

H.L.C.

2

1 ferral service if the MedicarePlus organization
2 offering the plan—

3 “(i) objects to the provision of such
4 service on moral or religious grounds; and

5 “(ii) in the manner and through the
6 written instrumentalities such
7 MedicarePlus organization deems appro-
8 priate, makes available information on its
9 policies regarding such service to prospec-
10 tive enrollees before or during enrollment
11 and to enrollees within 90 days after the
12 date that the organization or plan adopts
13 a change in policy regarding such a coun-
14 seling or referral service.

15 “(C) CONSTRUCTION.—Nothing in sub-
16 paragraph (B) shall be construed to affect dis-
17 closure requirements under State law or under
18 the Employee Retirement Income Security Act
19 of 1974.

20 “(D) HEALTH CARE PROFESSIONAL DE-
21 FINED.—For purposes of this paragraph, the
22 term ‘health care professional’ means a physi-
23 cian (as defined in section 1861(r)) or other
24 health care professional if coverage for the pro-
25 fessional’s services is provided under the

F:\P5\HREC\MCARE\AMNDSCC\GAGRULE
[Medicare: Gag rule language]

H.L.C.

3

1 MedicarePlus plan for the services of the pro-
2 fessional. Such term includes a podiatrist, op-
3 tometrist, chiropractor, psychologist, dentist,
4 physician assistant, physical or occupational
5 therapist and therapy assistant, speech-lan-
6 guage pathologist, audiologist, registered or li-
7 censed practical nurse (including nurse practi-
8 tioner, clinical nurse specialist, certified reg-
9 istered nurse anesthetist, and certified nurse-
10 midwife), licensed certified social worker, reg-
11 istered respiratory therapist, and certified res-
12 piratory therapy technician.